

**PLANNING & ZONING COMMISSION
MEETING
August 23, 2005**

Present:

Sarah Murphy, Chairman
Allan Feldman
Jim Crain
Derryll Anderson
Bill Talley
Kevin Bittinger, Vice-Chairman

Call to Order

Chairman Murphy called the August 23, 2005 meeting to order. The first item on the agenda was approval of minutes from the July 26, 2005 meeting. There were no changes.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the minutes of July 26, 2005.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

Pye Lake Estates, Hood Avenue – Rezoning from R-22 to R-22 PUD
File # 05-020

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant has requested to rezone approximately 6.02 acres from R-22 to R-22 PUD for property located along Hood Avenue. The concept plan is a result of negotiations that has been ongoing for several months between the City of Fayetteville and Ms. Parham, Scarbrough and Rolader Development in the safe dam's program. Mr. Gunn said this property would be subdivided into twelve lots. This project was tabled at last month's meeting to allow the applicant and the City to clarify some details of the agreement in regards to the Pye Lake road construction. The gravel road would give the City access to work on the dam. Mr. Gunn added that Pye Lake Drive would be reconstructed between Hood Avenue and the gravel road adjacent to lot 12. Either, the City or Parham, Scarbrough and Rolader would perform the work. The City would issue building permit for lots 8, 9, 10, 11, 12, or 13 until the work is complete and Parham, Scarbrough, and Rolader agreed to maintain the existing gravel road until Pye Lake Drive is complete and dedicated to the City. There is no reason to require the asphalt paving as part of this agreement at this time because heavy equipment would damage the road during the reconstruction of the dam. Staff recommended approval.

Chairman Murphy commented that part of the agreement says the permits would be held until the work has been completed. Does that work to be completed include the paving of the road or just the completion of the gravel road?

Mr. Gunn said it was the completion of the gravel road and he was not sure of this, but the agreement calls for a point where the City decides who will be responsible for doing the road and at that point issue the permits.

Chairman Murphy called on the applicant for comments.

Mr. Robert Rolader represented this project. He said there has been further progress on this in the last week. He added that they have agreed to go ahead and do the work on the road. That would take care of everyone's concern as to when this road would be done. The parties have signed an amendment to the development agreement for the construction of the road.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners.

Commissioner Talley asked the applicant if the amendment to the development agreement has been executed yet.

Mr. Rolader answered "yes".

Commissioner Feldman said that the capacity of the road once it is finished would not be enough to maintain heavy trucks and equipment.

Mr. Rolader said the goal is to do the road once the reconstruction of the dam is completed.

Commissioner Feldman asked how far the asphalt is going to go.

Mr. Rolader said that it goes to a cul-de-sac before the last private owned driveway.

Commissioner Talley said that is all it was ever intended for.

Chairman Murphy called for a motion.

Motion: Commission Talley motioned to recommend approval on this rezoning request from R-22 to R-22 PUD.

Second: Commissioner Crain seconded the motion.

Vote: Unanimous

Motion carried.

Alpha Internal Medicine, 735B Glynn Street South – Development Plans & Variance from (Sec. 94-226) - File # 05-021

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct a 10,000 square foot two-story office building on a 1.45-acre lot behind the ABC Pediatrics site. The property is currently vacant and is zoned O&I (Office and Institutional). The building will face the parking lot between this site and the ABC Pediatrics building and access to the site would be from the ABC Pediatrics and the adjoining shopping center. Staff had several concerns which the applicant had now addressed. Mr. Gunn added that there is one thing he would like to point, that the applicant had revised their plans adding ten more parking spaces; however, this would not increase the impervious surface for the site beyond the maximum. Mr. Gunn stated he checked with the City Engineer regarding the impervious surface and he asked that the engineer for the project should certify that it would not be more than the maximum impervious surface and the hydrology study and that they should not remove the existing landscaping for these additional parking but move it around the site. Staff recommended approval with those conditions.

Chairman Murphy asked if they had addressed all of the other concerns that staff had.

Mr. Gunn answered “yes”.

Chairman Murphy called on the applicant for comments.

Mr. Rick Harbert with Group VI represented this project. He said he did not have any comments and they are agreeable to the conditions.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Commissioner Talley asked if staff was comfortable with the conditions or would like to bring it back to this body to be looked at.

Mr. Gunn said staff is comfortable with those conditions.

Chairman Murphy called for a motion on the variance from section 94-226 to reduce the rear buffer from 30 feet to 15 feet

Motion: Vice-Chairman Bittinger motioned to approve the variance from section 94-226 to reduce the rear buffer from 30 feet to 15 feet.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the development plans.

Motion: Commissioner Feldman motioned to approve the development plans for Alpha Internal Medicine with stipulations that City Engineer approve the initial parking spaces to meet all City requirements and that the landscaping not to be reduced but moved as necessary and approved by staff.
Second: Vice-Chairman Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

City Café, 215 South Glynn Street – Revised Development Plans
File 97-037.02

Chairman Murphy called for discussion on the site plan. Mr. Gunn stated that the applicant is proposing to add an arbor to the existing restaurant; this would allow for additional room and the protection from the elements from outside for outside dining customers. The arbor would consist of adding a tinted cover over the existing patio and decorative support columns. The roof would be a tinted blue and because this is in the Main Street Historic District, the Art & Architecture Advisory Committee reviewed it and they recommend approval of this. This project was tabled at last month's meeting so that the applicant could obtain the roof material sample; they have now submitted the material sample. Staff recommended approval.

Chairman Murphy asked to see the material sample.

Chairman Murphy called on the applicant. The applicant did not attend the meeting.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

Motion: Vice-Chairman Bittinger motioned to approve the revised development plan for City Cafe.
Second: Commissioner Crain seconded the motion.
Vote: Unanimous

Motion carried.

Fayette Dental Care, 720 West Lanier Avenue – Development Plans
File # 05-023

Chairman Murphy called for discussion on this project. Mr. Gunn stated that the applicant is proposing to construct a dental office on the property located along West Highway 54. There is a house currently located on the property that will be removed and a new 2,000 square feet dental office will be placed on the lot further back on the property. Mr. Gunn added that parking would be in the front of the property and access would be off Highway 54. The buildings of architectural influence in this area are the Fayette Medical Center and the Fayette Community Hospital. The applicant has provided color elevations showing the front side of the building and material samples. Mr. Gunn said that staff had asked the applicant to address some issues concerning the landscaping on front and they have now addressed those issues and submitted new plans.

Chairman Murphy asked if the applicant submitted all four sides color elevations.

Mr. Gunn said that they did submit all four sides in black and white and the front elevations in color. Samples were provided but could not be found.

The applicant said if staff could not find the material samples then he would replace them.

Commissioner Crain asked about the landscaping.

Mr. Gunn said that the applicant addressed all of the landscaping issues.

Chairman Murphy called for public comments. There were no public comments. She asked the commissioners if they had any further comments.

Commissioner Anderson said that the colors blend very well.

Chairman Murphy called for a motion.

Motion: Commissioner Feldman motioned to approve the development plans for Fayette Dental Care with stipulations that staff review material samples and colors as presented at the work session and that all four sides will be consistent with the samples and the front color elevation presented.

Second: Commissioner Crain seconded the motion.

Abstained: Commissioner Talley

Vote in favor: Vice-Chairman Bittinger, Commissioners Feldman, Crain, and Anderson.

Motion carried.

Grove Park, Highway 314 – Rezoning from C-3 to DR-15 & Variance from (Sec. 94-315) – File # 03-041

Chairman Murphy called on staff for discussion on this project. Mr. Gunn stated that the applicant had a clerical error on the legal description, so the legal ad was run with incorrect information. Staff is asking for this project to be tabled so that the legal ad can run with the correct information.

Chairman Murphy said that this was discussed at the work session briefly and if the applicant would like to make any comment.

Mr. Rolader said it was not necessary since it would be heard at next month's meeting.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

Motion: Commissioner Talley moved to table Grove Park until next month's meeting.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Logan Park (Thraikill Properties), Southside Connector Road – Preliminary Plat - File# 05-009.01

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that he would like to combine discussion of this project with the next project, which

is the Dickson Springs, because they are connected. This preliminary plat is for part of the recently annexed Burch/Thraillkill property on the Southside that connects Highway 92 with Jeff Davis Drive which is the Southside Connector. These two projects consist of 97 single-family residential lots. The proposed residential lots will be divided into two separate residential areas, one on the north and the other on the south, and the donated open space in the middle. Mr. Gunn added that Logan Park will have 48 lots developed as R-30 PUD and Dickson Springs will have 49 lots developed as R-30 PUD as well. Access for both of the properties will be provided along the new connector road. Some lots will have direct access to the green space and some will have lakefront properties. He said there was a staff analysis done on these two projects and staff recommended approval.

Chairman Murphy asked what the minimum square footage for this zoning classification was.

Mr. Gunn answered 30,000 square foot.

Chairman Murphy called on the applicant for comments.

Mr. Robert Rolader represented these two projects. He said that this is hopefully moving towards the end of a long project that started with the Southside Connector of the Master plan and this would be the culmination of the Southside connector which has been completed on the Clifton Lakes or the South Jeff Davis side of the road and is well on the way on the Jimmie Mayfield side of the road. These two neighborhoods are one development with two names and comprise of 97 total lots and a large area of park which has been donated to the City with the two spring fed lakes and another green space with a conservation easement which had been donated to the City. The applicant said that this is exactly the same plan that was used during the annexation process and one of the requests in the development agreement was for this to bypass storm water away from these springs fed lakes to keep them clean. The applicant had an agreement in place to use water quality ponds and bypass piping not to allow storm water to run into these lakes.

Chairman Murphy called for public comments. There were none. She called on the commissioners.

Commissioner Talley said that this is the prettiest land he has seen in this area and was glad that the storm water protection plan is going to deal with those two lakes. He asked if the City has done any park access.

Mr. Rolader said that as part of the agreement with these two developments. They are to construct a parking lot off the Southside connector and access trails to the lakes.

Vice-Chairman Bittinger asked why is this PUD.

Mr. Rolader answered that was the requested zoning during the annexation and rezoning process which was granted.

Commissioner Murphy asked if staff is comfortable with the square footage.

Mr. Gunn said “yes”.

Chairman Murphy called for a motion on Logan Park preliminary plat.

Motion: Commissioner Crain motioned to approve the preliminary plat for Logan Park.
Second: Commissioner Talley seconded the motion.
Vote: Unanimous

Motion carried.

Dickson Springs (Burch & Thrailkill), Southside Connector Road – Preliminary Plat - File # 05-009.02

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that this is a related project to the Logan Park.

Chairman Murphy called for public comments. There were none. She called on the commissioners. No further comments from the commissioners

Chairman Murphy called for a motion on Dickson Springs preliminary plat.

Motion: Commissioner Crain motioned to approve the preliminary plat for Dickson Springs.
Second: Commissioner Anderson seconded the motion.
Vote: Unanimous

Motion carried.

Discussion

Mowell Funeral Home, 180 Jeff Davis Drive

Mr. Gunn said the reason this is before you as a discussion item is that the ordinance states where crematories should be placed. The applicant’s place of business is not in a zoning that would allow him to provide that type of service. The applicant spoke to staff asking if it was possible to rezone his existing site to allow a crematory to be there. The applicant feels that technology has changed so much that it warrants another look at this use. Mr. Gunn said since the applicant is asking to change the ordinance; staff brought it to the Planning and Zoning Commission because this commission is the recommending body for any type of changes to the ordinance.

Chairman Murphy said that they would not be talking about rezoning this piece of property to a zoning classification where the service is approved, but changing the ordinance identifying the classifications in which crematories would be allowed.

Mr. Gunn said that was correct. Currently crematories are allowed in M-2 zoning district.

Chairman Murphy asked for the zoning of the property currently.

It is currently zoned R-P (residential professional).

Mr. Doug Warner representing Mr. Mowell and his son David Mowell. He said that they brought some information that consists of some engineering reports and studies on a device known as a retort. He explained that a retort is a device that is used for cremation. He added that Mowell Funeral Home had been operating in this County for forty-one years. They provide a valuable service in this community. At present he is building a new funeral home and the design for the funeral home calls for the installation of a retort facility. Mr. Warner noted that proceeding forward he found that the zoning ordinance prohibits that service in an R-P zoning district. Mr. Mowell asked me to approach the City for a variance to be allowed to provide that service. Mr. Warner said in looking at the requirements for a variance, he did not feel that was the answer. Mr. Warner said he met with Mr. Gunn and discussed a possible change to the ordinance. He said that the R-P zoning ordinance consist of mortuaries, cemeteries and mausoleums except crematories. Crematories are referred to in the M-2 zoning classification. He continued to add that he did not think that a lot of legislative thoughts went into that when this ordinance was passed or maybe it did. Mr. Warner said that the current technology that applies to retort and cremation facilities is extremely clean and unobtrusive. He then added that he is asking that the commission recommend to City Council that the R-P zoning ordinance be changed and reworded to say mortuaries, cemeteries and mausoleums and crematories by special exception only. He said if this is to be done, you would not be necessarily allowing crematories automatically instead using the special exception and that would give you the opportunity to look at each case to make sure they are clean and appropriate facilities. Mr. Warner said that the equipment meets all federal EPA and state and local regulations and the products has been thoroughly tested at a range at 1,400 to 1,800 degree. The engineering studies showed zero visible emission and zero detectable odor and the carbon monoxide levels is well below the state standards of 100 parts per million. He continued to explain how safe and unobtrusive the crematories are.

Mr. Mowell said that Mr. Warner explained all the details well. He added that at the time when this zoning was done he would have agreed with the Commission because the retorts had not been brought up to the standards that they are today.

He added that he would like to thank the commission for their consideration and time.

Chairman Murphy said that they have not had an opportunity to read the report that the applicant presented. She asked if they submitted any information on what zoning classification this use would be allowed in other Cities or Counties in the State of Georgia.

Mr. Warner said he did not, but would be glad to provide that information. He added that in Peachtree City there is a crematory and it is probably zoned either O&I or commercial.

Chairman Murphy added if there is a trend in other cities or counties that would be something the commission would want to consider. She said she did some research and she is still finding this service restricted under manufacturing classification. She add that she could see two problems and one is if the ordinance is amended to allow the special exception there could still be a problem for you to get the special exception at that location, because of the nature of Jeff Davis and the Main Street program, and the desire of a pedestrian friendly downtown and with residences so close to your location, even if the ordinance was amended. Chairman Murphy said that some of the ordinance she looked at have some minimum separation, 650 feet in San Diego, from a residence.

Commissioner Talley said the reason this was put in the M-2 zoning district is not only discharge but also fuel storage.

There were lengthy discussions.

Chairman Murphy asked the applicant to get a list of the ones in this area and some of the commissioners would look at them. She said that the applicant should get information on municipalities that are allowing them with comparable zoning classification.

Vice-Chairman Bittinger said that he did not know what a retort was like in the 1980s so he would like to do some independent research.

Commissioner Crain said that he shared the rest of the commissioner's concerns.

Commissioner Feldman shared the concerns of the other commissioners.

Chairman Murphy concluded by saying that the commission would study what the applicant gave to them and the applicant should get what the commission asked for. What the commission could do is to set up a special work session to discuss and hash out all of the issues that would help to move forward a little faster. She was sure that the applicant has a timeframe.

Staff Reports

Mr. Gunn said he did not have anything except that only one person signed up for Training for Planning Officials and that is Mr. Crain. If anyone else would like to sign up please let us know before August 25, 2005. We are starting the comprehensive plan process and will be taking the recommendation to City Council on September 1, 2005 on whom we have chosen to help us through that process. We decide that Integrated Science and Engineering would be the one.

Chairman Murphy asked if anyone in the public has any business with the Commission. No come came forward.

She then asked if any of the Commissioners had any item of discussion. There were none.

Adjourned

Chairman Murphy called for a motion to adjourn.

Motion: Commission Feldman motioned to adjourn the August 23, 2005 meeting.

Second: Vice-Chairman Bittinger seconded the motion.

Vote: Unanimous

Motion carried, meeting adjourned

Respectfully Submitted,

Bibi Alli
Staff Assistant